

## REMARKS

This paper is filed in response to the office action mailed on November 12, 2003.

In the office action, the drawings are objected to. In response, formal drawings are submitted herewith. No new matter is added thereby. The illegible labels on Fig. 2 have been removed and the original reference numerals have been utilized.

Next, the office action rejects claims 14 and 23 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. In response, these claims have been amended to traverse this rejection.

Next, claims 1-39 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,643,086 ("Alcorn"). In response, no claims have been canceled and claims 1, 3, 16, 21, 23, 33 and 39 have been amended for clarification purposes only.

Specifically, each independent claim requires that the verification be carried out during play of the computerized wagering game. Applicants respectfully submit that Alcorn does not teach or suggest this concept and therefore cannot serve as an anticipation rejection for any of claims 1-39.

Specifically, the present application makes it clear on page 14, lines 3-5 that the hashing can be performed continuously during the course of operation of the computerized wagering game. In other words, the verification can be carried out while the game is being played. Alcorn does not teach or suggest this concept.

Specifically, to serve as an anticipating reference, under M.P.E.P. § 2131,

[t]o anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

*Citing, Verdegaa Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Thus, to anticipate any pending claim, Alcorn must teach a verification technique or method carried out during the playing of the game. In stark

contrast, Alcorn does not even come close to such a suggestion. Specifically, at column 2, lines 32-36, Alcorn states:

The authentication program stored in the unalterable ROM performs an authentication check on the casino game data set at appropriate times, such as prior to commencement of game play, at periodic intervals or upon demand.

At column 3, lines 18-21, Alcorn states:

Consequently, the authenticity of the data set can be automatically checked whenever the transfer occurs [i.e. when the data set is transferred from the mass storage device to the main memory of the system] and at other appropriate times.

At column 4, lines 16-19, Alcorn states:

Once all of the concerned programs and fixed data sets have been so authenticated, the casino game data set authentication procedure is run, after which game play is permitted (provided a match occurs).

At column 4, lines 45-48, Alcorn states:

If a match does occur, the casino game operation or fixed data set is deemed authentic; if there is no match, authentication is denied and use of that casino game program or fixed data set is prohibited.

Thus, Alcorn consistently teaches authentication before or after game play or at periodic times, such as during audits or periods when the game is not being played. Nowhere in Alcorn is it taught or suggested how to carry out a hash function or a verification function during game play.

Therefore, Alcorn does not meet the standards of § 2131 and cannot serve as an anticipation reference to any pending independent claim. Further, Alcorn in no way suggests that its authentication technique be carried out during game play and therefore Alcorn cannot serve as a base reference for any possible obviousness rejection.

Accordingly, in view of the amendments and remarks set forth above, applicants respectfully submit that this application is in a condition for allowance and an early action so indicating is respectfully requested.

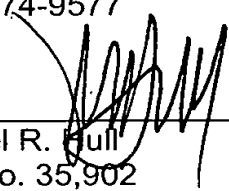
The Commissioner is authorized to charge any fee deficiency required by this paper, or credit any overpayment, to Deposit Account No. 13-2855.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6357  
(312) 474-9577

March 12, 2004

By:

  
\_\_\_\_\_  
Michael R. Hull  
Reg. No. 35,902